

underscored material = new
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1 full consideration, in the same manner as information presented
2 by any other professional on the team; and

3 WHEREAS, foster parents have the right to communicate with
4 professionals who work with the foster child within the context
5 of the team, including therapists, physicians and teachers; and

6 WHEREAS, they have the right to receive adequate prior
7 written notice and invitation to all court hearings regarding a
8 foster child in their care and the right to submit factually
9 based written reports to judges presiding over the foster
10 child's case; and

11 WHEREAS, they have the right to receive full disclosure of
12 all known behavioral, medical and psychological issues of a
13 foster child placed in their home, and the safety of the foster
14 family should not be put at risk due to undisclosed behaviors;
15 and

16 WHEREAS, foster parents have the right to receive a
17 written copy of the treatment plan and any subsequent
18 amendments on a timely basis; and

19 WHEREAS, they have the right to be informed of and receive
20 all available support services for a child being cared for in
21 their home, as well as the right to be considered as a primary
22 placement option when a child formerly in their foster home
23 reenters the foster care system; and

24 WHEREAS, they have the right to be given reasonable prior
25 written notice of any change in a child's treatment plan, any

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1 plan to terminate the placement of the child with the foster
2 family and the reasons for the change or termination of
3 placement, and the notice should be waived only in the case of
4 court order or when the child is determined to be at imminent
5 risk or harm; and

6 WHEREAS, foster parents have the right to receive timely
7 financial reimbursement commensurate with the care needs of the
8 child, as specified in the treatment plan, the right to obtain
9 a substitute care placement agreement at the time that the
10 child is placed in their home and the right to receive full
11 reimbursement, as specified in the substitute care placement
12 agreement; and

13 WHEREAS, in instances of short pays, foster parents have
14 the right to be paid the full difference in a timely manner,
15 and they have the reciprocal obligation to return overpays to
16 the state; and

17 WHEREAS, foster parents have the right to be given
18 standardized pre-service training and appropriate ongoing
19 training to enhance their skills as foster care providers; and

20 WHEREAS, they have the right to be informed of all agency
21 policies and procedures related to their role as foster
22 parents; and

23 WHEREAS, they have the right to confidentiality regarding
24 issues that arise in their foster homes and the right to a
25 fair, timely and impartial investigation concerning any

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1 referral made upon them; and

2 WHEREAS, foster parents have the right to a fair, timely
3 and impartial investigation concerning complaints filed against
4 them, the right to have timely access to the child placement
5 agency's existing appeals process and the right to be free from
6 acts of harassment and retaliation by any other party when
7 exercising the right to appeal; and

8 WHEREAS, they have the right to emergency access to agency
9 personnel on a twenty-four-hour, seven-day-a-week basis and the
10 right to assistance in dealing with loss and separation when a
11 foster child leaves their home; and

12 WHEREAS, they have the right to not be discriminated
13 against on the basis of religion, race, color, creed, sex,
14 national origin, age, marital status or physical handicap;

15 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
16 STATE OF NEW MEXICO that the children, youth and families
17 department be requested to adopt rules to implement these
18 principles as foster parent rights and to involve the following
19 participants in developing those rules:

20 A. the land of enchantment foster and adoptive
21 parents association, incorporated;

22 B. foster parents;

23 C. a citizens review board;

24 D. court-appointed special advocates;

25 E. attorneys for biological parents;

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- 1 F. guardians at litem;
- 2 G. judges of children's courts;
- 3 H. special education teachers;
- 4 I. therapists and counselors of children;
- 5 J. field office managers of the children, youth and
- 6 families department;
- 7 K. children's court attorneys for the children,
- 8 youth and families department;
- 9 L. private agencies; and
- 10 M. foster care treatment agencies; and

11 BE IT FURTHER RESOLVED that the children, youth and
12 families department be requested to complete its rulemaking and
13 report its progress to the appropriate interim legislative
14 committee by November 2004; and

15 BE IT FURTHER RESOLVED that a copy of this memorial be
16 transmitted to the secretary of children, youth and families.